

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE NEW YORK TIMES COMPANY and
CHARLIE SAVAGE,

Plaintiffs,

v.

UNITED STATES DEPARTMENT
OF JUSTICE,

Defendant.
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**STIPULATION AND ORDER
STAYING
COURT’S ORDER DATED
FEBRUARY 21, 2017**

14 Civ. 3777 (JPO)

WHEREAS, this is an action brought by plaintiffs to compel defendant (the “Government”) to release records responsive to plaintiffs’ Freedom of Information Act requests dated April 11, 2014;

WHEREAS, in an Opinion and Order dated September 30, 2015, the Court granted in part and denied in part the Government’s first Motion for Summary Judgment, and granted in part and denied in part Plaintiffs’ first Motion for Partial Summary Judgment (*see* Dkt. No. 33);

WHEREAS, in an Opinion and Order dated February 21, 2017 (the “Disclosure Order”), the Court granted in part and denied in part the Government’s Second Motion for Summary Judgment; granted in part and denied in part Plaintiffs’ Cross Motion for Partial Summary Judgment; ordered the Government to make public certain documents, with redactions consistent with Disclosure Order and the Opinion and Order dated September 30, 2015, within 20 days of the date of the Disclosure Order; and directed the parties to submit letter motions regarding the assessment of reasonable attorney’s fees and costs against the Government within 30 days of the date of the Disclosure Order (Dkt. No. 55);

WHEREAS, the Disclosure Order resolves all remaining substantive issues in this lawsuit;

WHEREAS, the parties have 60 days from the date of entry of judgment to file a notice of appeal, *see* Fed. R. App. P. 4(a)(1)(B); and

WHEREAS, the parties agree that a stay of the Disclosure Order is appropriate pending their determination of whether to file a notice of appeal, and, if the Government files a notice of appeal, through the issuance of a mandate resolving that appeal;

IT IS HEREBY STIPULATED AND ORDERED as follows:

1. The Disclosure Order is stayed in its entirety for a period of 60 days following entry of judgment by this Court.
2. In the event the Government timely files a notice of appeal, the Disclosure Order is further stayed through issuance of a mandate resolving that appeal.
3. In the event neither party timely files a notice of appeal, the parties shall submit letter motions concerning attorney's fees in accordance with the Disclosure Order within 30 days of the expiration of the parties' time to appeal.

4. This Stipulation and Order contains the entire agreement between the parties, and no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

Dated: New York, New York
2/27/17, 2017

By: 

DAVID E. MCCRAW, ESQ.
Legal Department
The New York Times Company
620 8th Avenue, 18th Floor
New York, NY 10018
Tel: (212) 556-4031

Dated: New York, New York
February 27, 2017

PREET BHARARA
United States Attorney for the
Southern District of New York,
Attorney for the Government

By: 

TARA M. La MORTE
JEANNETTE A. VARGAS
Assistant United States Attorneys
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel. (212) 637-2746/2678

SO ORDERED:

Dated: New York, New York
February 28, 2017


J. PAUL OETKEN
United States District Judge